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A Professional Corporation  
San Francisco

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Attorneys for Plaintiffs  
SAMUEL DIGIACOMO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAMUEL DIGIACOMO,  
Plaintiff,

v.

EX'PRESSION CENTER FOR NEW  
MEDIA, INC., d/b/a EX'PRESSION  
COLLEGE FOR DIGITAL ARTS, and  
Does 1 through 100,

Defendants.

CASE NO. C-08-01768 MHP

**PROOF OF SERVICE**

I am a citizen of the United States. My business address is 201 Spear Street, Suite 1000, San Francisco, CA 94105. I am employed in the County of San Francisco where this service occurs. I am over the age of 18 years, and not a party to the within cause. I am readily familiar with my employer's normal business practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and that practice is that correspondence is deposited with the U.S. Postal Service the same day as the day of collection in the ordinary course of business.

On the date set forth below, following ordinary business practice, I served a true copy of the foregoing document(s) described as:

- Clerk's Notice (Scheduling Case Management Conference in Reassigned Case);
- Email from Thomas H. Clarke, Jr. to Eric Sinrod, Esq.;  
([EJSinrod@duaneemorris.com](mailto:EJSinrod@duaneemorris.com)) containing "text of today's e-filing";
- Ropers Majeski internal Email containing attachments referring to today's e-filing;
- Confirmation that Clarke email was read on 6/27/08 at 12:26 p.m.;

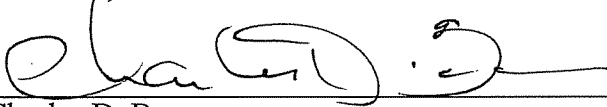
- Email from Eric Sinrod, Esq. to Thomas H. Clarke, Jr. (thanking Clarke for previous email message); and
- Joint Case Management Statement form.

- ☐ (BY FAX) by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below, or as stated on the attached service list, on this date before 5:00 p.m.
- ☒ (BY MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at San Francisco, California.
- ☐ (BY PERSONAL SERVICE) I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s).
- ☐ (BY OVERNIGHT DELIVERY) I caused such envelope(s) to be delivered to an overnight delivery carrier with delivery fees provided for, addressed to the person(s) on whom it is to be served.
- ☐ By electronic service pursuant to Local Rule 5-135(a); Fed.R.Civ.P. 5(b)(2)(D).

Upon the following:

Eric Sinrod, Esq.  
Duane Morris LLP  
Suite 2000  
One Market, Spear Tower  
San Francisco, CA 94105-1104  
Phone: 415.957.3000  
Fax: 415.957.3001

Executed on June 27, 2008, at San Francisco, California.

  
Charles D. Brown

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAMUEL DIGIACOMO,

No. C 08-01768 MHP

Plaintiff(s),

**CLERK'S NOTICE**  
**(Scheduling Case Management Conference**  
**in Reassigned Case)**

v.


EX'PRESSION CENTER FOR NEW MEDIA  
INC.,

Defendant(s).

This case, having been reassigned to the Honorable Marilyn Hall Patel and all pending hearing dates thus vacated, is hereby scheduled for a case management conference on **Monday, August 18, 2008, at 4:00 p.m.** A Joint Case Management Statement is due ten days prior to the conference. Plaintiff is responsible for forwarding a copy of the form for the Joint Case Management Statement on all defendants, and shall also serve a copy of this notice on all defendants.

Richard W. Wieking  
Clerk, U.S. District Court

Dated: June 27, 2008

  
\_\_\_\_\_  
Anthony Howser, Deputy Clerk to the  
Honorable Marilyn Hall Patel  
(415) 522-3140

**Clarke, Thomas H., Jr.**

---

**From:** Clarke, Thomas H., Jr.  
**Sent:** Friday, June 27, 2008 12:15 PM  
**To:** EJSinrod@duanemorris.com  
**Subject:** DiGiacomo v. Ex'pression Center for New Media

TEXT OF TODAY'S E-FILING:

"This case, having been reassigned to the Honorable Marilyn Hall Patel and all pending hearing dates thus vacated, is hereby scheduled for a case management conference on Monday, August 18, 2008, at 4:00 p.m. A Joint Case Management Statement is due ten days prior to the conference. Plaintiff is responsible for forwarding a copy of the form for the Joint Case Management Statement on all defendants, and shall also serve a copy of this notice on all defendants."

Thomas H. Clarke, Jr.  
tclarke@ropers.com

IRS CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any U.S. tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this communication (or in any attachment).

This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 U.S.C. Section 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. This email message, including attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by replying to our email administrator and destroying all copies of the original message. To reply to our email administrator directly, send an email to <mailto://postmaster@ropers.com>.

Ropers, Majeski, Kohn & Bentley, <http://www.ropers.com>

**Clarke, Thomas H., Jr.**

---

**From:** Houston, Paul  
**Sent:** Friday, June 27, 2008 12:15 PM  
**To:** Clarke, Thomas H., Jr.  
**Subject:** Delivery Status Notification (Relay)

**Attachments:** ATT11440245.txt; DiGiacomo v. Ex'pression Center for New Media



ATT11440245.txt DiGiacomo v.  
(455 B) Ex'pression Cente...

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

EJSinrod@duanemorris.com

**Clarke, Thomas H., Jr.**

---

**From:** Sinrod, Eric J. [EJSinrod@duanemorris.com]  
**To:** Clarke, Thomas H., Jr.  
**Sent:** Friday, June 27, 2008 12:26 PM  
**Subject:** Read: DiGiacomo v. Ex'pression Center for New Media

Your message

**To:** EJSinrod@duanemorris.com  
**Subject:**

was read on 6/27/2008 12:26 PM.

**Clarke, Thomas H., Jr.**

---

**From:** Sinrod, Eric J. [EJSinrod@duanemorris.com]  
**Sent:** Friday, June 27, 2008 12:26 PM  
**To:** Clarke, Thomas H., Jr.  
**Cc:** Dickman, Michael J.  
**Subject:** Re: DiGiacomo v. Ex'pression Center for New Media

Thanks.

Eric J. Sinrod  
Duane Morris LLP  
ejsinrod@duanemorris.com  
415-957-3019 phone  
415-957-3001 fax

<http://www.sinrodllaw.com>  
<http://www.duanemorris.com>

To receive my weekly legal columns for  
CNET News.com and Findlaw.com,  
please send an email with Subscribe in the Subject line to  
ejsinrod@duanemorris.com

----- Original Message -----

**From:** Clarke, Thomas H., Jr. <TClarke@Ropers.com>  
**To:** Sinrod, Eric J.  
**Sent:** Fri Jun 27 15:15:08 2008  
**Subject:** DiGiacomo v. Ex'pression Center for New Media

TEXT OF TODAY'S E-FILING:

"This case, having been reassigned to the Honorable Marilyn Hall Patel and all pending hearing dates thus vacated, is hereby scheduled for a case management conference on Monday, August 18, 2008, at 4:00 p.m. A Joint Case Management Statement is due ten days prior to the conference. Plaintiff is responsible for forwarding a copy of the form for the Joint Case Management Statement on all defendants, and shall also serve a copy of this notice on all defendants."

Thomas H. Clarke, Jr.  
tclarke@ropers.com

IRS CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any U.S. tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this communication (or in any attachment).

This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 U.S.C. Section 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. This email message, including attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by replying to our email administrator and destroying all copies of the original message. To reply to our email administrator directly, send an email to <<mailto://postmaster@ropers.com>> >.

Ropers, Majeski, Kohn & Bentley, <<http://www.ropers.com>> >

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THOMAS H. CLARKE, JR. (SBN 47592)  
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San Francisco, CA 94105  
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Facsimile: (415) 972-6301  
Email: tclarke@rmkb.com  
tdolan@rmkb.com

Attorneys for Plaintiffs  
SAMUEL DIGIACOMO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

SAMUEL DIGIACOMO,

Plaintiff,

v.

EX'PRESSION CENTER FOR NEW  
MEDIA, INC., d/b/a EX'PRESSION  
COLLEGE FOR DIGITAL ARTS, and  
Does 1 through 100,

Defendants.

CASE NO. C-08-01768 MHP

**JOINT CASE MANAGEMENT  
STATEMENT**

1. The parties to the above-entitled action jointly submit this Case Management Statement and request that the Court adopt it as its Case Management Order in this case.

**1. Jurisdiction and Service**

2.

**2. Facts**

3.

**3. Legal Issues**

4.

5.

- 1 6.
- 2 4. **Motions**
- 3 7.
- 4 5. **Amendment of Pleadings**
- 5 8.
- 6 6. **Evidence Preservation**
- 7 9.
- 8 7. **Disclosures**
- 9 10.
- 10 8. **Discovery**
- 11 11.
- 12 9. **Class Actions**
- 13 12.
- 14 10. **Related Cases**
- 15 13.
- 16 11. **Relief**
- 17 14.
- 18 15.
- 19 12. **Settlement and ADR**
- 20 16.
- 21 13. **Consent to Magistrate Judge For All Purposes**
- 22 17.
- 23 14. **Other References**
- 24 18.
- 25 15. **Narrowing of Issues**
- 26 19.
- 27 16. **Expedited Schedule**
- 28 20.

17. Scheduling

21.

18. Trial

22.

19. Disclosure of Non-party Interested Entities or Persons

23.

20. Other Matters

24. None.

25.

Dated: June 27, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

By: \_\_\_\_\_  
Thomas H. Clarke, Jr.

Attorneys for Plaintiff  
Samuel DiGiacomo

Dated: June 27, 2008

DUANE MORRIS

By: \_\_\_\_\_  
Eric Sinrod

Attorneys for Defendant  
EX'PRESSION CENTER FOR NEW  
MEDIA, INC.